

Nru. 6

23. 4. 82

MALTA**KARMA TAD-DEPUTATI****HOUSE OF REPRESENTATIVES**

ABBOZZ ta' Ligi mressaq mill-Onorevoli Joseph Cassar, M.P., Deputat Prim Ministru Anzjan u Ministru tal-Gustizzja u Affarijiet tal-Parlament, u moqri għall-Ewwel Darba fis-Seduta ta' l-10 ta' Marzu, 1982.

A BILL introduced by the Honourable Joseph Cassar, M.P., Senior Deputy Prime Minister and Minister of Justice and Parliamentary Affairs, and read the First time at the Sitting of the 10th March, 1982.

ATT biex ikompli jemenda l-Att ta' l-1981 dwar il-Kummissarji għall-Gustizzja.

AN ACT further to amend the Commissioners for Justice Act, 1981.

C. MIFSUD

Skrivan tal-Kamra tad-Deputati

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Clerk to the House of Representatives

ABBOZZ TA' LIĠI

msejjah

ATT biex ikompli jemenda l-Att ta' l-1981 dwar il-Kummissarji għall-Gustizzja.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'liġi dan li ġej:—

Titolu fil-qosor
u bidu fis-sehħ.

1. (1) Dan l-Att jista' jissejjah l-Att ta' l-1982 li jemenda l-Att dwar il-Kummissarji għall-Gustizzja, u għandu jinqara u jftiehem haġa waħda ma' l-Att ta' l-1981 dwar il-Kummissarji għall-Gustizzja, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

(2) Dan l-Att għandu jibda jsehh f'dik id-data li l-Ministru responsabbli għall-gustizzja jista' jistabbilixxi b'avviż fil-Gazzetta.

Emenda ta'
l-artikolu 5
ta' l-Att
prinċipali.

2. Fis-subartikolu (3) ta' l-artikolu 5 ta' l-Att prinċipali minflok il-kliem "fil-mandat" għandhom jidhlu l-kliem "fil-mandat, u tista' tehel penali ta' mhux inqas minn £1 u mhux iżjed minn £5".

Zieda ta'
artikoli ġodda
5A u 5B ma'
l-Att prinċipali.

3. Minnufih wara l-artikolu 5 ta' l-Att prinċipali għandhom jiżdiedu l-artikoli ġodda li ġejjin:

"Notifika
ta'
taħrika.

5A. (1) Taħrika tiġi notifikata mill-Pulizija Eżekutiva billi kopja tagħha tiġi konsenjata lill-persuna mharrka jew billi dik il-kopja tithalla fil-post tar-residenza jew tan-negozju jew fil-post tax-xogħol jew fl-indirizz postali ta' dik il-persuna ma' xi membru tal-familja jew tad-dar tagħha jew ma' xi persuna oħra fl-impieg tagħha, jew mal-prokura-tur tagħha jew xi persuna awtorizzata li tirċievi l-posta tagħha:

Izda dik il-kopja ma tkunx tista' tithalla ma' xi persuna taht l-età ta' erbatax-il sena, jew ma' xi persuna li, minhabba mard tal-moħħ, ma tkunx tista' tixhed dwar dik in-notifika. Persuna titqies li tista' tixhed sakemm ma jiġix

ippruvat kuntrarju; u ma tista' titqajjem ebda oġġezzjoni dwar irregolarità tan-notifika għal xi waħda minn dawk ir-raġunijiet, jekk jiġi muri li fil-fatt il-kopja tkun waslet għand il-persuna li għandha tiġi notifikata biha.

(2) Notifika tista' ssir ukoll minn uffiċjali ta' l-uffiċċju tal-posta, b'dak il-mod u taħt dawk ir-regoli skond regolamenti tal-posta kif il-Ministru jista' jordna b'avviż fil-Gazzetta.

(3) Meta n-notifika ssir bil-posta l-persuna mħar-rka titqies li tkun giet notifikata kif imiss bit-taħrika jekk il-prosekutur jikkonferma bil-ġurament li t-taħrika tkun intbagħtet b'ittra reġistrata ndirizzata fl-indirizz l-aħħar magħruf tal-persuna akkużata u jipproduċi quddiem il-Kummissarju n-nota tar-riċevuta mill-awtoritajiet postali, u d-data tan-notifika għandha titqies li hi d-data meta tkun konsenjata l-ittra reġistrata.

Nuqqas ta' persuna li tidher meta tkun imħarrka.

5B. (1) Jekk xi persuna li tiġi notifikata kif imiss b'taħrika tonqos li tidher quddiem il-Kummissarju, il-Kummissarju għandu, sakemm dik il-persuna ma tkunx iddepożitat xorta ta' kunsens kif provdut fis-subartikolu (4) ta' l-artikolu 5 ta' dan l-Att, jordna li dik il-persuna biex tħallas penali ta' mhux inqas minn £1 u mhux iżjed minn £5 u jagħmel ordni kif provdut fis-subartikolu (2) ta' dan l-artikolu:

Izda l-Kummissarju jista', fuq rikors għal hekk jaħfer il-penali jekk ikun sodisfatt li kien hemm raġunijiet tajba għax dik il-persuna ma tkunx dehret.

(2) Il-Kummissarju jista' wkoll jordna li dik il-persuna tiġi arrestata u tingieb quddiemu fil-ġurnata speċifikata fil-mandat jew jista' jordna li avviż ta' differiment jiġi notifikat lil dik il-persuna, u jekk dik il-persuna terġa' tonqos li tidher, titqies li tkun ammettiet l-akkuża u l-Kummissarju jista' jipproċedi bis-smiegħ kif provdut fl-artikolu 6 ta' dan l-Att.

(3) Id-disposizzjonijiet tas-subartikoli (3), (5) u (6) ta' l-artikolu 8 ta' dan l-Att japplikaw għall-penali ordnata li tithallas taħt is-subartikolu (1) ta' dan l-artikolu.

(4) In-notifika ta' avviż għal differiment imsem-mija fis-subartikolu (2) ta' dan l-artikolu tista' ssir mill-Pulizija Eżekuttiva jew bil-posta reġistrata kif provdut fl-artikolu 5A ta' dan l-Att."

Għanijiet u Raġunijiet

L-Att jipprovdi għall-proċedura li għandha tithares dwar in-notifika ta' taħrika dwar proċedimenti quddiem il-Kummissarji għall-Ġustizzja.

A BILL

entitled

AN ACT, further to amend the Commissioners for Justice Act, 1981.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title and commencement.

1. (1) This Act may be cited as the Commissioners for Justice (Amendment) Act, 1982, and shall be read and construed as one with the Commissioners for Justice Act, 1981, hereinafter referred to as “the principal Act”.

(2) This Act shall come into force on such date as the Minister responsible for justice may by notice in the Gazette appoint.

Amendment of section 5 of the principal Act.

2. In subsection (3) of section 5 of the principal Act for the words “in the warrant” there shall be substituted the words “in the warrant, and shall become liable to a penalty of not less than £1 and not more than £5”.

Addition of new sections 5A and 5B to the principal Act.

3. Immediately after section 5 of the principal Act there shall be added the following new sections:

“Service of summons.

5A. (1) A summons shall be served by the Executive Police by the delivery of a copy thereof to the person to be summoned or by leaving such copy at the place of residence or business or place of work or postal address of such person with some member of his family or household or with some person in his service, or his attorney or person authorised to receive his mail:

Provided that it shall not be lawful to leave such copy with any person under the age of fourteen years, or with any person who, on account of infirmity of mind, is unable to give evidence of such service. A person shall be presumed to be able to give such evidence unless the contrary

is proved; and no objection may be raised on the ground of irregularity of the service for any of those reasons, if it is shown that the copy has actually reached the person to be served therewith.

(2) Service may also be effected by officers of the post office, in such manner and under such rules in conformity with postal regulations as the Minister may order by notice in the Gazette.

(3) Where service is effected by post the person summoned shall be presumed to be duly served with the summons if the prosecuting officer confirms on oath that the summons was sent by registered letter addressed at the last known address of the person charged and produces before the Commissioner the relative advice of receipt from the postal authorities, and the date of service shall be presumed to be the date of the delivery of the registered letter.

Failure
to appear
when
summoned.

5B. (1) If any person duly served with a summons fails to appear before a Commissioner, the Commissioner shall, unless such person shall have deposited a form of consent as provided in subsection (4) of section 5 of this Act, order such person to pay a penalty of not less than £1 and not more than £5 and make an order as is provided in subsection (2) of this section:

Provided that the Commissioner may, on an application to that effect remit the penalty if he is satisfied that there was good cause for the non-appearance.

(2) The Commissioner shall also order such person to be arrested and brought before him on the day specified in the warrant or shall direct that a notice of adjournment be served on such person, and if such person shall again fail to appear, he shall be deemed to have admitted the charge and the Commissioner may proceed with the hearing as is provided in section 6 of this Act.

(3) The provisions of subsections (3), (5) and (6) of section 8 of this Act shall apply to the penalty ordered to be paid under subsection (1) of this section.

(4) Service of the notice of adjournment referred to in subsection (2) of this section may be effected by the Executive Police or by registered post as is provided in section 5A of this Act.”.

Objects and Reasons

The Act provides for the procedure to be followed in the notification of summons relating to proceedings before Commissioners for Justice.